

## REMARKS

The Office Action mailed January 11, 2006 has been carefully considered along with the references cited therein. In the subject Office Action, the Examiner rejected claims 16 and 18-20 under 35 U.S.C. §102(b) as being anticipated by Noll et al. (U.S. Patent No. 6,060,820). Claims 7, 9-13, 15, 21, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noll et al. in view of Gagnon et al. (U.S. Patent No. 6,078,128).

To avoid the time and expense involved with an appeal to the Board or a Pre-Appeal Conference, Applicant respectfully requests that the Examiner consider the following arguments. There is a clear deficiency in the *prima facie* case in support of each rejection. With regard to the anticipation rejections, at least one limitation from each of the two independent claims is missing in the references cited by the Examiner. With regard to the obviousness rejection, the Examiner's proposed combination does not teach or suggest each limitation of the claim. Since this response is in response to a final Office action, the claims of the application have not been amended.

With respect to the rejection of claim 16 in view of Noll et al., the Examiner is incorrect in her assertion that "no greater force [is] exerted by said positioning member (44) on said shoulder (67) than the weight of the positioning member (44) and said light source (41)". At column 5, lines 41 - 53, Noll expressly teaches that the positioning member 44 is a springy, arched disk and that the spring effect of the disk is used to place the lamp under pressure before the leads are crimped to the pin cases 51.

In the Response to Arguments section, the Examiner misses the point that the "method Noll uses to place the lamp into the neck is irrelevant to the matter at hand, since the patentability of the claim resides on the final product and not the process by which it is manufactured." Anticipation requires each and every element as *set forth in the claim* to be found in a single prior art reference. Noll et al. fail to disclose each and every element as set forth in claim 16.

The Examiner is incorrect in her assertion that "the 'resilient force' that the Applicant indicates is also added to the shoulder, is the weight coming from the bulb through the disk/position member (44)." The resilient force that is added to the

shoulder is not coming from the weight of the bulb; instead, the resilient force is coming from the positioning member acting as a spring. Applicant directs the Examiner to col. 5, lines 48-49 which states, “The attaching of the bulb occurs without any cap cement, in that the ***spring effect of the perforated disk is used*** (similar to the description in DE-GM 195 48 521).” (Emphasis added).

The magnitude of force developed by a linear elastic spring, which would be similar to the disk/position member (44) acting as a spring, is a function of the spring's spring constant or stiffness  $k$  and the distance of deformation  $s$  of the spring. (See Engineering Mechanics – STATICS, 6<sup>th</sup> Ed., R.C. Hibbler 1992 page 74 – a copy of the page accompanies this response). Deformation of the “springy, light weight arched, perforated disk 44” (col. 5, lines 41-42) and placing the bulb “under pressure and then the external lead wires are crimped to the cases” (col. 5, lines 51-52) necessarily applies a force ( $F=ks$ ), which is inherent in the springy, arched disk, to the shoulder. This force is in addition to the bulb (41).

Since a force, that of the deformed springy, arched disk, in addition to the weight of the positioning member and the light source, is exerted on the shoulder, Noll et al. fail to disclose each and every element as set forth in the claim 16. Accordingly, claim 16, and those claims that depend from claim 16, define over the cited reference.

With regard to claim 20, the Examiner has indicated that she considers “the recitation of the eyelet being mechanically fastened to the lead without the lead being in tension” as a product-by-process limitation. Applicant respectfully disagrees with the Examiner's position. MPEP 2113 refers to product-by-process ***claims*** not product-by-process ***limitations***.

Even though Applicant respectfully disagrees with this finding, under MPEP 2113, the claim is unpatentable only if the product in the product-by-process claim is the same as or obvious from a product of the prior art. Noll et al. teach lead wires that must be in tension since the “bulb is thus placed into the neck part [and into the perforated disk 44] under pressure [which deforms the disk 44] and then the external lead wires are crimped to the cases.” Col. 5, lines 50-52. This “spring effect” (col. 5, line 49) would apply a force ( $F=ks$ ) to the lead wires when the lead wires are crimped to the cases. This force would pull the lead wires, thus placing them in tension. Since

Noll et al. teach that “the **spring effect** of the perforated disk is used;” (emphasis added) it becomes apparent that the lamp of claim 20 is not the same as or obvious from the lamp of Noll et al. Accordingly, claim 20 and those claims that depend from claim 20 are patentable over Noll et al.

With regard to claim 7 the Examiner is incorrect in her assertion that Gagnon teaches an eyelet including a tubular portion that has substantially homogeneous strength characteristics throughout the length of the tubular portion. Moreover, the Examiner is incorrect in her assertion that the grooves, i.e. thin walled portions 42, throughout the brass eyelet help to increase the strength of the eyelet.

With regard to the assertion that Gagnon teaches an eyelet including a tubular portion that has substantially homogeneous strength characteristics throughout the length of the tubular portion, the Examiner admits that Gagnon teaches thin walled portions 42. These thin walled portions do not increase the strength of the eyelet, as the Examiner argues. “The slits [or thin spots] create weak spots in the metal wall of the eyelet.” (Col. 4, line 49). Thus the strength characteristic of the eyelet along length 44 (see FIG. 3) is different (non-homogeneous) than along the remainder of the length of the eyelet.

The Examiner’s argument that the “grooves located homogeneously... throughout the brass eyelet help to *increase* the strength of the eyelet so that ‘the eyelet 26 is less likely to over stress any particular point’” is based upon a misunderstanding of the reference. The sentence that the Examiner quoted is the following, “With multiple grooves or slits, the eyelet 26 is less likely to over stress any particular point along the inside of the formed passage 16.” The eyelet is less likely to over stress a particular point in the passage 16 (FIG. 1) formed in the lamp housing 12 (FIG. 1) precisely because the grooves allow the tube 28 to radially break or bow outwards on sufficient pressure from the tube ends 36, 38. (See col. 3, lines 28-32 “It is only important that the grooves allow the tube 28 to radially break or bow outwards on sufficient pressure from the tube ends 36, 38, and still hold the flange 46 to the lamp housing 12, while providing a through passage for the electric lead 22.”)

As shown above, Gagnon et al. fail to teach an eyelet including a tubular portion, where the tubular portion has substantially homogenous strength characteristics

throughout the length of the tubular portion. Accordingly, claim 1 and those claims that depend from claim 1 patentably define over the cited references.

### CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

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